

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT BENCHOFF	:	CIVIL ACTION NO. 1:CV-13-1216
	:	
Plaintiff	:	(JUDGE KANE)
	:	(Magistrate Judge Mehalchick)
v.	:	
	:	
MATTHEW FOGAL AND DOUGLAS	:	
HERMAN	:	
	:	
Defendants	:	

ORDER

Before the Court in the captioned action is a November 4, 2013 Report and Recommendation of the Magistrate Judge. No timely objections have been filed.

Accordingly, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Mehalchick.
- 2) The Defendants' Motions to Dismiss are **GRANTED** with prejudice as this Court lacks subject matter jurisdiction to assess the claims under the *Rooker-Feldman* doctrine; the Defendants' Motions to Dismiss are **GRANTED** based on Eleventh Amendment, judicial, and prosecutorial immunity defenses; the Defendants' Motions to Dismiss are **GRANTED** as Plaintiff's civil rights action pursuant to §1983 is barred by the applicable statute of limitations period; and the Defendants' Motion to Dismiss are **GRANTED** for failure to state a claim upon which relief may be granted.

3) The Clerk of Court is directed to **CLOSE** the case.

s/ Yvette Kane
YVETTE KANE, Judge
United States District Court
Middle District of Pennsylvania

Dated: November 27, 2013